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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 19-CR-00034-VC
)	
Plaintiff,)	JOINT SUBMISSION OF RESOLVED AND
)	UNRESOLVED EXHIBIT DISPUTES
v.)	
)	Trial Date: April 14, 2025
RAMESH KRIS NATHAN,)	Judge: Hon. Vince Chhabria
)	
Defendant.)	

The parties jointly submit the following information regarding specific resolved and unresolved disputes regarding the United States' exhibits.

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DISPUTED EXHIBITS

Exhibit No.	Defense Objection	Government's Response
17	801, 403, 402, Confrontation, <i>see</i> Dkt. 154 at p5-6 (Relates to investigation of Relativity). Email from Andrea Lamari of Nasdaq Private. "Unfortunately there's nothing Nasdaq can do other than to proceed quickly in taking all necessary action to end their activities and attempts at affiliation with our brand and website..." "[W]e...have compiled a case against Relativity. We have no affiliation or connection to the company."	Relevant and admissible through testimony of Joseph Chamberlain (Count 3 of the Indictment).
39	801, 405, 403, 402, Confrontation. Emails between two investors re: whether Garcia was the mastermind or fall guy, only one is testifying. Includes impermissible character evidence from out of court declarant, ex: "Some feel he was in on it from the start, other he was played to make him the fall guy when the cards crumble. I really couldn't see him doing that to all of us, no way .. its not Rob."	Relevant and admissible through testimony of Jordan Freeland (Count 5 of the Indictment).
40	801, 403, 402, Confrontation, <i>see</i> Dkt. 154 at p5-6 (Relates to investigation of Relativity). Email chain between victim investor Freeland and his nontestifying friend at the FBI, forwarded to other investors with commentary. Friend says things like: "I think finding evidence that these guys violated federal laws is pretty easy and apparent...Also marketing shares for volume for an IPO with false valuations is market manipulation. I don't work these violations. But hope the guys I sent it too will slam dunk it."	Relevant and admissible through testimony of Jordan Freeland (Count 5 of the Indictment).
42	801, 403, 402, Confrontation, <i>see</i> Dkt. 154 at p5-6 (Relates to investigation of Relativity). Emails between SC AG and investor Freeland. AG says: "Looking at files on Ramesh, he doesn't look like a	Relevant and admissible through testimony of Jordan Freeland (Count 5 of the Indictment). In the alternative, the government would seek leave to admit the exhibit if

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	wealthy man- multiple failed/abandoned small businesses, and bank records show he spent a lot of investor money on basics- food and lodging. He has/had had ownership in a couple of mid-level houses in the US. Maybe Ramesh is a professional scammer and works to maintain the image of wealth."	defense opens the door by, for example, casting doubt on a victim's testimony by questioning why the victim did not report the scheme earlier.
48	801, 403, 402. Uncertified "pro se" filings in Dragicevic v. Nathan/Baseline Agent.	Relevant and admissible through testimony of Hassani Synclair (Count 4 of the Indictment). Admissible for effect on the listener and existence of the scheme, and Federal Rules of Evidence 801(d)(2).
55	801, 403, 402. Multiple levels of hearsay.	Relevant and admissible through testimony of Jordan Freeland (Count 5 of the Indictment). Jordan Freeland will testify he received this email from Robert Garcia, and it is relevant to material false representations and existence of the scheme to defraud.
173	801, 403, 402, Confrontation, Inadmissible per MIL Dkt. 158 (Relates to investigation of Relativity). Emails between Chamberlain and SC AG for prosecution. Recounts Chamberlain's experience with Relativity and google search he did on Nathan. For the same reason police reports are not admissible, this is not admissible. Gov't <i>can</i> refresh recollection with it, if necessary, but that does not make it admissible.	Relevant and admissible through testimony of Joseph Chamberlain (Count 3 of the Indictment). In the alternative, the government may use the document to refresh witness's recollection pursuant to Federal Rule of Evidence 612.
179	Def. objs set forth in MIL to exclude IP address and geolocation information	Relevant and admissible. At the time of this filing, the defense has not filed their motion <i>in limine</i> regarding IP address and geolocation information and thus cannot respond. The government would also object that the motions <i>in limine</i> filing deadline was March 18, 2025 pursuant to the

Exhibit No.	Defense Objection	Government's Response
		Stipulated Pretrial Order (Dkt. 119). Thus the filing is untimely.
196, 197	Def. objs set forth in MIL to exclude IP address and geolocation information	Relevant and admissible. At the time of this filing, the defense has not filed their motion <i>in limine</i> regarding IP address and geolocation information and thus cannot respond. The government would also object that the motions <i>in limine</i> filing deadline was March 18, 2025 pursuant to the Stipulated Pretrial Order (Dkt. 119). Thus the filing is untimely.
199	801, 403, 402, Confrontation, Inadmissible per MIL Dkt. 158 (Relates to investigation of Relativity). This is the cover page from Nasdaq Private Market's response to FBI subpoena.	The government will redact references to a grand jury subpoena. Relevant and admissible to prove material false representations, existence of the scheme, and intent to defraud.
201	801, 403, 402, Confrontation, Inadmissible per MIL Dkt. 158 (Relates to investigation of Relativity). Emails between Gunter and Nasdaq requesting investigation of Relativity. Gunter can testify she reached out to Nasdaq but the emails are testimonial out of court statements the government is seeking to admit for their truth.	Relevant and admissible through testimony of Michelle Gunter (Count 6 of the Indictment).
208	801, 403, 402, Confrontation, Inadmissible per MIL Dkt. 158 (Relates to investigation of Relativity). NPM: "We are actively looking into the situation, but unfortunately we believe it is a scam." "I certainly appreciate your offer to share all of the communications, but we have now received several notices this week from others and have compiled a case against Relativity. We have no affiliation or connection to the company."	Relevant and admissible through testimony of Joseph Chamberlain (Count 2 in the Indictment) regarding a specific allegation in the Indictment. In the alternative, it is admissible not to prove the truth of the matter asserted, but for the effect on the listener.
277	801, 403, 402, Confrontation, Inadmissible per MIL Dkt. 158 (Relates to investigation of Relativity). This is a cease and desist order from Security Commissioner of South Carolina with many "findings of fact." Will confuse	Not offered for the truth of the matter asserted. Admissible for non-hearsay purpose.

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	the jury and prejudice Mr. Nathan. Government has not specified what non-hearsay purpose it is admissible for.	

RESOLVED EXHIBIT DISPUTES

Exhibit No.	<u>Defense Objection</u>	<u>Government's Response</u>
23	Relates to investigation of Relativity.	Redaction not necessary. FBI investigation is clear – FBI agents will testify in court about this investigation and receiving these emails from investors.
41	Relates to investigation of Relativity.	Withdrawn per the Court's Order (Dkt. 158).
52	Relates to investigation of Relativity.	Withdrawn per the Court's Order (Dkt. 158).
53	Relates to investigation of Relativity.	Redaction not necessary. FBI investigation is clear – FBI agents will testify in court about this investigation and receiving these emails from investors.
54 through 74	Relates to investigation of Relativity.	Redaction not necessary. FBI investigation is clear – FBI agents will testify in court about this investigation and receiving these emails from investors.
75	Relates to investigation of Relativity	The government would seek leave to admit the exhibit if defense opens the door by, for example, challenging the authenticity of the following e-mails sent and/or received by Michelle Gunter who represents Count 6 of the Indictment (Exs. 76 to 101).
102	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
105	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
106	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
107	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
108	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).

Exhibit No.	<u>Defense Objection</u>	<u>Government's Response</u>
109	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
110	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
111	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
112	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
113	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
114	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
115	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
116	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
117	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
118	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
119	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
120	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
121	Relates to investigation of Relativity	<p>The government would seek leave to admit the exhibit if defense opens the door by, for example, casting doubt on a victim's testimony by questioning why the victim did not report the scheme earlier.</p> <p>The government would redact any portion of exhibit that may be violative of the Federal Rules of Evidence.</p>
175	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
194	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
198	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
200	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
202	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).

Exhibit No.	<u>Defense Objection</u>	<u>Government's Response</u>
203	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
204	Relates to investigation of Relativity	The government will redact above the "Original Message" line.
205	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
206	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
207	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
209	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
251	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
252	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
258	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
259	Exhibits Predating 2015	Admissible per the Court's Order (Dkt. 158).
278	Relates to Investigations of Relativity	The government will redact the top of the first page to remove information regarding the e-mail to Steve Fulmer. The remaining emails are relevant and admissible as an opposing party statement to show material false representations, existence of a scheme, and defendant's intent to defraud.
279	Relates to Investigations of Relativity	Withdrawn per the Court's Order (Dkt. 158).
280 through 291	Exhibits Relating to BaselineAgent Fraud	The government will redact the top of the first page to remove information regarding the e-mail to Steve Fulmer.
484	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158). The exhibit will be offered through Hariharan Lingham.
485	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158). The exhibit will be offered through Hariharan Lingham.
486	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).

Exhibit No.	Defense Objection	Government's Response
		The exhibit will be offered through Hariharan Lingham.
487	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158). The exhibit will be offered through Hariharan Lingham.
489	Exhibits Relating to BaselineAgent Fraud	Per the Court's finding on April 1, 2025, the government would seek leave to admit the exhibit if defense opens the door by, for example, casting doubt on a victim's testimony by questioning why the victim did not report the scheme earlier. The government would redact any portion of the exhibit that may be violative of the Federal Rules of Evidence.
492	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
493	Exhibits Relating to BaselineAgent Fraud	Withdrawn per the Court's Order (Dkt. 158).
494	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
495	Exhibits Relating to BaselineAgent Fraud	Withdrawn.
496	Exhibits Relating to BaselineAgent Fraud	Per the Court's finding on April 1, 2025, the government would seek leave to admit the exhibit if defense opens the door by, for example, asserting he did not attempt to collect the funds. The government would redact any portion of the exhibit that may be violative of the Federal Rules of Evidence.
497	Exhibits Relating to BaselineAgent Fraud	Per the Court's finding on April 1, 2025, the government would seek leave to admit the exhibit if defense opens the door by, for example, casting doubt on a victim's testimony by asserting he did not attempt to collect the funds. The government would redact any portion of the exhibit that may be

Exhibit No.	Defense Objection	Government's Response
		violative of the Federal Rules of Evidence.
498	Exhibits Relating to BaselineAgent Fraud	Withdrawn.
499	Exhibits Relating to BaselineAgent Fraud	The government would seek leave to admit the exhibit if defense opens the door by, for example, casting doubt on a victim's testimony by questioning why the victim did not report the scheme earlier. The government would redact any portion of exhibit that may be violative of the Federal Rules of Evidence.
503	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
504	901, 801, 403, 402. Instagram exhibits, see Dkt. 154 at p. 5.	The government would seek leave to admit the exhibit if defense opens the door by, for example, claiming defendant did not portray himself as a wealthy, successful businessman.
513	901, 801, 403, 402. Instagram exhibits, see Dkt. 154 at p. 5.	The government would seek leave to admit the exhibit if defense opens the door by, for example, claiming defendant did not portray himself as a wealthy, successful businessman.
511	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
512	Exhibits Relating to BaselineAgent Fraud	Admissible per the Court's Order (Dkt. 158).
514	Remove references to documents produced in "native" format	The government will remove the placeholder and any similar placeholders for documents produced in "native" format.

DATED: April 7, 2025

Respectfully submitted,

PATRICK D. ROBBINS
Acting United States Attorney

/s/
ROLAND CHANG
SARA E. HENDERSON
Assistant United States Attorneys

1 DATED: April 7, 2025

JODI LINKER
Federal Public Defender

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3 /s/ Gabriela Bischof
4 GABRIELA BISCHOF
5 CANDIS MITCHELL
6 Counsel for Ramesh Kris Nathan
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